THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7956 of 2006

Date: 16.03.2007

Between:

G.Sundar Reddy and others.

....Petitioners

And

The District Collector, Khammam and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7956 of 2006

O R D E R:

The petitioners state that they are the owners of various extents of land in parts of Survey No.126 of Pandurangapuram Village, Paloncha Mandal, Khammam District. The cultivation in the said land could not be undertaken for quite some time, and it was covered with tree growth. With a view to bring the land under cultivation, the petitioners approached the District Collector, Khammam, first respondent herein, seeking permission to clear the tree growth. Permission was accorded. To put the recovered tree growth to a more beneficial use, the petitioners submitted an application to the first respondent, to convert the wood into charcoal. The first respondent informed the petitioners that the competent authority to accord permission is the Divisional Forest Officer, second respondent herein. It is in this context, that the petitioners submitted a representation, dated 25.02.2006, to the second respondent, to accord permission to convert the wood recovered from their land into charcoal. Their grievance is that the second respondent has not passed any orders thereon.

The second respondent filed a detailed counter affidavit. Two reasons are stated for non-consideration of the representation of the petitioners. The first is the pendency of a Writ Petition, being W.P.No.5803 of 2006, filed by certain other persons, in respect of the same land. The second ground stated by the second respondent is that the petitioners can sell the product as firewood, instead of undertaking conversion into charcoal.

Heard the learned counsel for the petitioners and the learned Government Pleader for Forests.

After obtaining permission from the concerned authorities, the petitioners have cleared the tree growth over their lands. As regards the disposal of the same, the petitioners intended to convert it into charcoal. The second respondent is the competent authority to accord permission, for this purpose. The first ground stated by the second respondent, for not acceding to the request of the petitioners, does not exist, inasmuch as W.P.No.5803 of 2006 has since been disposed of by this Court.

So far as the second ground is concerned, the right of the petitioners to convert the recovered tree growth into charcoal cannot be denied. At the most, the second respondent can take regulatory measures, to ensure that no illicit timber or tree growth is utilized by the petitioners

for conversion into charcoal.

This Court had an occasion to deal with an identical situation in W.P.No.13062 of 1999. In an order, dated 01.10.1999, it was directed that the second respondent herein shall identify a place for conversion of the wood into charcoal outside the forest area and thereafter, accord necessary permission to convert wood into charcoal. It was also pointed out that an Official of the Forest Department can be deputed to oversee the operations.

For the foregoing reasons, the Writ Petition is disposed of, directing that the second respondent shall pass necessary orders on the representation, dated 25.02.2006, submitted by the petitioners, within a period of four (4) weeks from today. Such an exercise shall include identification of the place for conversion of the wood into charcoal and deputation of any Official to oversee the operations. There shall be no order as to costs.

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16.03.2007

Note: Issue C.C. in one week.

(B/o)

JSU